

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
ROBERT C. ADLER

Plaintiff,

-v.-

PAYWARD, INC.

Defendant.  
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

With regard to the dispute raised in Docket ## 71, 72 and 74, the Court notes that the letters fail to reference the law applicable to requests to reopen discovery. See, e.g., Gao v. Savour Sichuan Inc., 2021 WL 4892864, at \*2 (S.D.N.Y. Oct. 20, 2021). That being said, the Court finds the plaintiff's application incomplete with respect to certain factual matters. Although plaintiff's reply letter contains significant detail regarding the history of the discovery dispute, it is conspicuously vague as to what precisely occurred between March 22, 2022, when Judge Crotty was alerted to the discovery dispute and August 4, 2022, when plaintiff (improperly) raised the discovery dispute with Judge Crotty. Thus, there is no explanation of why plaintiff did not comply with the Court's Order of June 1, 2022, which specifically instructed him to raise the discovery dispute in a proper manner, until plaintiff filed Docket # 71 on August 23, 2022, the first time the dispute was properly raised.

While plaintiff vaguely refers to defendant's counsel "resolv[ing] the issue by saying they would produce" (Docket # 74 at 4), plaintiff provides no dates for such statements from defendant's counsel. Accordingly, plaintiff's counsel is directed to file a sworn statement detailing all efforts between March 22, 2022 and August 23, 2022, to resolve the discovery dispute with defendant, including a description (or verbatim quotation where communication was in writing) of statements by defense counsel suggesting that defense counsel would take further action to produce documents. To the extent communications took place in writing, counsel shall attach as exhibits copies of those writings.

The filing shall be made on or before September 7, 2022..

SO ORDERED.

Dated: August 30, 2022

New York, New York

  
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GABRIEL W. KORENSTEIN  
United States Magistrate Judge